

July 17, 2009

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
July 17, 2009

I. OPENING OF MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 19, 2009

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD JUNE 19, 2009?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	159.....	9
Agriculture	442.....	17
Arts Council.....	21.....	2
Capitol Development Board	44.....	0
Central Management Services	1,492.....	119
Children and Family Services	3,125.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	434.....	70
Commerce Commission.....	72.....	0
Corrections.....	11,520.....	116
Criminal Justice Authority	56.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	11.....	1
Emergency Management Agency	95.....	6
Employment Security.....	1,814.....	25
Environmental Protection Agency	961.....	19
Financial & Professional Regulation	740.....	50
Guardianship and Advocacy	109.....	8
Healthcare and Family Services.....	2,412.....	28
Historic Preservation Agency	189.....	12
Human Rights Commission	14.....	2
Human Rights Department	148.....	10
Human Services	14,076.....	77
Investment Board.....	3.....	2
Juvenile Justice	1,177.....	20
Labor.....	80.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	21.....	1
Medical District Commission	2.....	0
Military Affairs	126.....	3
Natural Resources	1,382.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	25.....	1
Public Health.....	1,136.....	44
Revenue	2,096.....	70
State Fire Marshal	145.....	13
State Police	1,396.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	80.....	2
Transportation	2,352.....	0
Veterans' Affairs.....	1,132.....	7
Workers' Compensation Commission	168.....	10
TOTALS	49,342.....	844

B. Governing Rule – Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Proposed rescission in accordance with Rule 11(c) of the Rules of the Civil Service Commission

On June 15, 2009 the Executive Director sent notice to Central Management Services and Illinois Department of Financial and Professional Regulation of the proposed rescission of the following 4d(3) exempt position which may no longer meet the requirements for exemption. Rule 11(c) also provides that withdrawal of exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status positions which will ensure responsive and accountable administrative control of the programs of the agency. The agency concurred in this rescission at last month's meeting.

Agenda Item	Agency	Position Number	Functional Title
C	FPR	37015-13-04-300-00-01	Legislative Liaison

WILL THE COMMISSION RESCIND THE EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?

**C: Illinois Department of Financial and Professional Regulation
Legislative Liaison**

V. CLASS SPECIFICATIONS

- **None submitted.**

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2I(1), 2I(4), AND 2I(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	5/31/09	6/30/09	6/30/08
Aging	1	0	0
Agriculture	0	1	1
Arts Council	0	0	0
Central Management Services	1	2	6
Children and Family Services	12	12	12
Criminal Justice Authority	1	1	0
Employment Security	4	6	2
Healthcare and Family Services	16	16	16
Historic Preservation	0	0	2
Human Services	1	1	4
Law Enforcement Training Standards Board	1	1	0
Natural Resources	0	15	25
Property Tax Appeal Board	1	2	1
Revenue	0	1	0
State Police	0	0	1
Transportation	3	3	6
Veteran's Affairs	1	1	3
Workers' Compensation Commission	1	1	1
Totals	43	63	80

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IX. INTERLOCUTORY APPEAL

• DISCHARGE

DA-22-09

Employee	Maria E. Madera	Appeal Date	7/30/08
Agency	DHS	Decision Date	7/02/09
Type	Discharge	ALJ	Andrew Barris
Issue	Motion to Dismiss for no jurisdiction	Recommended Decision	Grant Motion to Dismiss; no jurisdiction (not filed within 15 days of receipt of charges).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION TO GRANT THE MOTION TO DISMISS IN THE ABOVE MATTER?

X. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• DISCHARGE

DA-2-09

Employee	Charles E. Yelm, Jr.	Appeal Date	7/11/08
Agency	DOC	Decision Date	7/02/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Conduct unbecoming	Recommended Decision	Charges are partially proven and warrant discharge.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

• SUSPENSION

S-49-08

Employee	Richard D. McNichols	Appeal Date	5/27/08
Agency	DNR	Decision Date	7/02/09
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Worked overtime without prior authorization, failure to care for and maintain equipment, failure to submit reports, and unauthorized absences	Recommended Decision	Charges are proven and warrant 30-day suspension.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

XI. APPEALS DISPOSED OF WITHOUT DECISION ON THE MERITS

• **DISMISSED**

DA-41-09

Employee	Reginald Hardaway	Appeal Date	5/29/09
Agency	DOC	Decision Date	6/23/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Failure to submit reports within required time limits; conduct unbecoming	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

DA-42-09

Employee	Edrena Scott	Appeal Date	6/01/09
Agency	DHS	Decision Date	6/24/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Conduct unbecoming	Recommended Decision	Dismissed subject to Commission approval; default (no show at hearing).

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

GT-44-09

Employee	William Disselhorst	Appeal Date	6/12/09
Agency	FPR	Decision Date	7/06/09
Type	Geographical Transfer	ALJ	Daniel Stralka
Allegation	Transferred from JRTC to Des Plaines	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

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GT-46-09

Employee	Ronald P. Martin	Appeal Date	6/17/09
Agency	FPR	Decision Date	7/06/09
Type	Geographical Transfer	ALJ	Daniel Stralka
Allegation	Transferred from JRTC to Des Plaines	Recommended Decision	Dismissed subject to Commission approval; withdrawn.

DOES THE COMMISSION AFFIRM AND ADOPT THE RECOMMENDED DECISION IN THE ABOVE MATTER?

XII. REPORT ON THE TREATMENT OF PRIOR DISCIPLINARY INCIDENTS WHICH ARE THE SUBJECT OF PENDING GRIEVANCES

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT MEETING

The next regular meeting is to be held on Friday, August 21, 2009 at 11:00 a.m. in the Commission's Chicago office.

XV. MOTION TO ADJOURN